

BOARD OF SUPERVISORS

MINUTES

October 8, 2003

Supervisors in Attendance:

Mr. Arthur S. Warren, Chairman
Mr. J. L. McHale, III, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny B. Humphrey
Mr. Kelly E. Miller

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. Larry Barnett,
Comm. Services Board
Mr. Craig Bryant, Dir.,
Utilities
Ms. Jana Carter, Dir.
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. William Dupler,
Building Official
Mr. Robert Eanes, Asst.
to County Administrator
Ms. Lisa Elko, CMC
Clerk
Chief Stephen A. Elswick,
Fire Department
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. H. Edward James,
Dir., Purchasing
Mr. Donald Kappel, Dir.,
Public Affairs
Mr. Michael Likins,
Coop. Extension Director
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney

Dr. William Nelson, Dir.,
Health Department
Maj. Ronald O'Shields,
Sheriff's Office
Mr. Francis Pitaro, Dir.,
General Services
Ms. Karen F. Russell,
Risk Manager
Ms. Sarah Snead, Dir.,
Social Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development

Mr. Warren called the regularly scheduled meeting to order at 4:10 p.m.

1. APPROVAL OF MINUTES

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved the minutes of September 17, 2003, as submitted.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved the minutes of September 21, 2003, as submitted.

Ayes: Warren, McHale, Barber and Humphrey.
Nays: None.
Absent: Miller.

2. COUNTY ADMINISTRATOR'S COMMENTS

- o Mr. Ramsey introduced Rear Admiral Michael Lyden, Commander, Defense Supply Center Richmond (DSCR).

Admiral Lyden provided the Board with an update on activities at DSCR. He also provided details regarding the upcoming base realignment and closure process, and stated DSCR will continue to provide world-class logistic support to America's war fighters around the clock and around the world.

Mr. Ramsey thanked Admiral Lyden for the informative presentation.

Mr. Miller arrived at the meeting.

- o Dr. Nelson provided an update on West Nile Virus activity. He stated the disease is now present in bird populations in virtually every state in the country, and the virus moves between birds by mosquitoes that feed on one bird and then another. He further stated most mosquitoes lay their eggs in water that is only a foot deep; therefore, structure and maintenance of BMPs is

very important. He stated county maintained BMPs are checked for mosquito larvae by Environmental Engineering staff. He reviewed regional preventive efforts as well as county preventive efforts. He stated 20 positive birds were located in the county in 2003, mostly in the Chester area, and only one human case in the area has been reported for 2003. He further stated the mosquito season has ended and the risk of West Nile Virus is virtually over for this year. He noted education has reduced the risk of contracting the disease.

Mr. Miller expressed concerns relative to the proximity of BMPs to residential areas.

Dr. Nelson stated there are only two types of mosquitoes that carry the West Nile Virus, and none of these have been found in county BMPs. He further stated citizens with concerns about mosquitoes in BMPs can contact the Health Department and testing will be done, if necessary. He stated, based on the widespread nature of the cases, he feels the virus has established itself in the area and will probably continue at this rate for several years. He further stated he would like to see a more systematic method of notifying residents in the area of positive bird findings.

Mr. Chris Winstead, Virginia Department of Transportation (VDOT) Resident Engineer, provided details of VDOT's process for maintaining the BMPs they are responsible for.

When asked, Mr. Winstead stated he is working with Parks and Recreation to permanently resolve the BMP issue at Greenfield Elementary School created with the widening of Robious Road.

- o Senator John Watkins provided a history of the development of the Geographic Information System (GIS) in the Commonwealth of Virginia. He presented a check to Ms. Nancy Parker, the county's GIS Manager, representing state reimbursement for aerial photography data provided by the county to the state. He also presented Ms. Parker with a packet of diskettes, which include Chesterfield's data as well as digital data for adjoining localities. He stated data is currently being collected for roadways owned and maintained by VDOT.

Discussion ensued relative to utilities data currently included in the GIS system.

Senator Watkins stated it would be extremely helpful if Dominion Virginia Power would share its data with jurisdictions, in the event of another disaster.

Mr. Warren expressed appreciation to Senator Watkins for his efforts to acquire information from Dominion Virginia Power for localities' use.

Mr. Ramsey expressed appreciation to Ms. Parker for her efforts in providing GIS information to the Board during the hurricane disaster.

Mr. Warren requested that a Dominion Virginia Power representative attend the Board's October 22, 2003 meeting to discuss making information available to citizens in the future.

3. BOARD COMMITTEE REPORTS

Mr. Barber stated he will hold two town meetings which are open to the general public, one on October 13, 2003 relative to the Public Private Transportation Act; and one on October 29, 2003 relative to the Public Private Education Act.

Mr. McHale stated he will hold community meetings on the same topics on October 28, 2003 regarding Transportation and October 30, 2003 regarding Schools.

Mr. Miller stated he has been requested by a Rockingham County citizen to provide support and answer questions at a public hearing on October 15, 2003 regarding a proposed ordinance relative to adult businesses.

Mrs. Humphrey stated she supports Mr. Miller's attendance at the Rockingham County public hearing.

Mr. Warren thanked Board members for their attendance at a special Board meeting on September 21, 2003 following Hurricane Isabel and at town meetings on September 29 and 30, 2003 relative to disaster relief efforts. He stated he will hold a constituents' meeting on October 20, 2003 relative to the new Clover Hill High School and growth management.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Barber, seconded by Mr. McHale, the Board added Item 8.C.3.e., Set Date for Public Hearing to Consider a Zoning Ordinance Amendment Relative to Banners for Non-Profit Organizations; replaced Item 8.C.6., Transfer of Funds and Authorization to Enter Into a Virginia Department of Transportation/County Loan Agreement for Route 360 Widening Project; added Item 8.C.13., Transfer of District Improvement Funds from the Clover Hill District Improvement Fund to the Parks and Recreation Department to Construct a Dog Park at Rockwood Park; added Item 8.C.14., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Department of Environmental Engineering to Purchase Pipe to be Installed in a County Drainage Easement to Eliminate Flooding at the Intersection of Ecoff Road and DeLaval Street; replaced Item 10.B., Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds, and Lease Purchases; replaced Item 16.C., Public Hearing to Consider Amending Chapter 10 of the County Code Relating to Fire Protection; and adopted the Agenda, as amended.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING OCTOBER 2003, AS "CRIME PREVENTION MONTH" IN CHESTERFIELD COUNTY

Colonel Baker introduced Captain Mike Spraker and Officer Linwood Arrington who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the vitality of our county depends on how safe we keep our homes, neighborhoods, schools, workplaces, and communities; and

WHEREAS, crime and fear of crime destroy our trust in others and in civic institutions, threatening the community's health, prosperity, and quality of life; and

WHEREAS, people of all ages must be made aware of what they can do to prevent themselves and their families, neighbors, and co-workers from being harmed by crime; and

WHEREAS, the personal injury, financial loss, and community deterioration resulting from crime are intolerable and require investment from the whole community; and

WHEREAS, crime prevention initiatives must include self-protection and security, but they must go beyond these to promote collaborative efforts to make neighborhoods safer for all ages and to develop positive opportunities for younger people; and

WHEREAS, adults must invest time, resources, and policy support in effective prevention and intervention strategies for youth, and teens must be engaged in driving crime from their communities; and

WHEREAS, effective crime prevention programs excel because of partnerships among law enforcement, other government agencies, civic groups, schools, faith communities, businesses, and individuals as they help to nurture communal responsibility and instill pride.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes October 2003, as "Crime Prevention Month" in Chesterfield County and urges all citizens, government agencies, public and private institutions, and businesses to invest in the power of prevention and work together to make Chesterfield County a safer, stronger, more caring community.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Captain Spraker, accompanied by Officer Arrington and Colonel Baker, and expressed appreciation for the tireless efforts of the Police Department towards crime prevention in the county.

Captain Spraker expressed appreciation to citizens for their assistance with crime prevention.

5.B. RECOGNIZING OCTOBER 5 - 11, 2003, AS "FIRE PREVENTION WEEK"

Fire Marshal Michael Hatton expressed appreciation to the Board for its support of fire prevention efforts. He stated this year's theme is "When Fire Strikes: Get Out! Stay Out!" He introduced Deputy Fire Marshal Robbie Dawson who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, cooking, heating and electrical fires represent three of the nation's leading causes of home fires, and are collectively responsible for nearly half of all home fires and almost one-third of the associated fire deaths; and

WHEREAS, the vast majority of home cooking, heating and electrical fires can be prevented by taking simple safety precautions; and

WHEREAS, developing a home fire escape plan and practicing it at least twice a year is critical to escaping a fire safely; and

WHEREAS, proper installation, testing and maintenance of smoke alarms are part of a thorough home fire escape plan; and

WHEREAS, the Fire Prevention Week 2003 theme, "When Fire Strikes: Get Out! Stay Out!" teaches two simple but life-saving lessons: Install smoke alarms and test them regularly and develop and practice home fire drills; and

WHEREAS, Chesterfield County Department of Fire and Emergency Medical Services is dedicated to life safety, property preservation and preventing the devastating effects of fire; and

WHEREAS, the members of the fire service are joined by other concerned citizens of this county, as well as, other emergency service providers and safety advocates, businesses, schools and service organizations.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes the week of October 5-11, 2003, as "Fire Prevention Week," and that this week commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless, and destroyed more than 17,400 buildings.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors calls upon the people of Chesterfield County to participate in the fire prevention activities at home, work and school, and to take the steps needed to make their homes and families safe from the leading causes of home fires, which include cooking, heating and electrical.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mrs. Humphrey presented the executed resolution to Deputy Fire Marshal Dawson, accompanied by Fire Marshal Hatton, and expressed appreciation for the Fire Department's fire

prevention efforts as well as the assistance they provided citizens during Hurricane Isabel.

5.C. RECOGNIZING MR. ROGER HERLEAN FOR EXEMPLARY VOLUNTEER SERVICE

Mr. Hammer introduced Mr. Roger Herlean who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. Roger Herlean has spent a distinguished career in industrial relations where he used his expertise and caring to counsel Labor Union representatives and employees about company benefits; and

WHEREAS, upon his retirement, Mr. Herlean dedicated himself to serving seniors and caregivers in Chesterfield County and neighboring localities as a volunteer with Senior Connections, The Capital Area Agency on Aging (SC/CAAA); and

WHEREAS, Mr. Herlean has provided leadership and volunteer service to the Virginia Insurance Counseling and Assistance Program (VICAP) since April 1993; and

WHEREAS, Mr. Herlean has contributed more than 3,000 hours to VICAP to help thousands of seniors and caregivers navigate health insurance, Medicare, Medicaid, and related programs; and

WHEREAS, VICAP and SC/CAAA are partners with Chesterfield County and neighboring localities in providing home and community services to improve the quality of health care for older adults; and

WHEREAS, Mr. Herlean's contributions and expertise have benefited other volunteers and staff of VICAP and earned him appointments to the VICAP Advisory Council and the National Medicare Beneficiary Advisory Council; and

WHEREAS, Mr. Herlean has improved the quality of life for thousands of citizens by helping them dispute errors in medical bills, resolve insurance claims, obtain assistance for the purchase of prescription medications, and make informed decisions about health insurance coverage; and

WHEREAS, Mr. Herlean was the first volunteer representative appointed to the SC/CAAA Board of Directors in July 1998 and in recognition of his outstanding leadership was reappointed in July 2000 and July 2003; and

WHEREAS, Chesterfield County wishes to publicly commend and recognize Mr. Herlean's ten years of volunteer service to SC/CAAA.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, publicly recognizes Mr. Roger Herlean, acknowledges and expresses gratitude and admiration for his exemplary and extraordinary volunteer service, and wishes him well in his future work in support of older adults and caregivers.

AND, BE IT FURTHER RESOLVED, that this resolution be called to the attention of the county's citizens, officials of the county, leaders of VICAP and the Board of Directors of Senior Connections, The Capital Area Agency on Aging and all other interested persons, and that a copy of this resolution be presented to Mr. Herlean and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Herlean, accompanied by his wife, Ms. Thelma Bland Watson, Executive Director for Senior Connections, Ms. Diane Peterson, Senior Advocate, and Ms. Linda Barnhart, Volunteer Program Manager, and expressed appreciation for his dedication to the senior citizens of Chesterfield and neighboring localities.

Ms. Watson, Ms. Peterson and Ms. Barnhart each expressed appreciation to Mr. Herlean for his contributions to the region's senior citizens.

Mr. Herlean expressed appreciation to the Board for the recognition.

5.D. RECOGNIZING THE MONTH OF OCTOBER AS "DISABILITY AWARENESS MONTH" IN CHESTERFIELD COUNTY

Mr. Hammer introduced Reverend Donna Mott, Chairman of the Disability Services Board, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the first recognition of Disability Awareness Month was made on August 11, 1945 by a joint resolution of the United States Congress as the "*National Employment of the Physically Handicapped Week*"; and

WHEREAS, Disability Awareness Month was further supported through the signing of the "*Americans with Disabilities Act of 1990*" (ADA) by President George H. W. Bush for the purpose of prohibiting discrimination against persons with disabilities in education, employment, and government services, and at places of public accommodation, commercial facilities, and in many other areas of society; and

WHEREAS, Disability Awareness Month highlights that people with disabilities residing in Chesterfield County are valued and vital members of the community; and

WHEREAS, Disability Awareness Month acknowledges and salutes the skills, talents, creativity, and abilities that people with disabilities contribute to Chesterfield County; and

WHEREAS, Disability Awareness Month increases public knowledge of the barriers, social or physical, that still exist and prevent full participation in community living of Americans with disabilities and that the foundations

established by the ADA are continued with commitment and passion.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, publicly recognizes the month of October as "Disability Awareness Month" in Chesterfield County and urges all citizens to support the activities of the Chesterfield County Disability Services Board through advocacy for people with physical and sensory disabilities.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Barber presented the executed resolution to Reverend Mott, accompanied by members of the Disability Services Board, and expressed appreciation for their efforts in promoting disability awareness.

Reverend Mott expressed appreciation to the Board for recognizing "Disability Awareness Month."

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. HURRICANE ISABEL RESPONSE AND RECOVERY ISSUES

8.A.1. UPDATE REGARDING HURRICANE ISABEL'S RESPONSE AND RECOVERY EFFORTS

It was generally agreed to forego the presentation regarding response and recovery efforts due to the issue of time.

8.A.3. EXTENSION OF HURRICANE ISABEL DEBRIS RECOVERY AND CLEANUP PERIOD

Mr. Ramsey stated there have been nearly 35,000 drop-offs at debris drop-off sites, and 3,800 pick-ups at homes with 64,000 cubic yards of debris removed thus far. He expressed concerns that it is going to take much longer than estimated to pick up all the debris in the county. He stated staff met with the contractor this morning and he has committed by this weekend to be disposing of 15,000-20,000 cubic yards per day. He further stated there is more debris than was originally estimated, and the contractor should have completed the first pass by the end of October, and noted the Board has requested that the date for citizens to have their debris out for pick up be extended to October 26, 2003. He noted that FEMA will set a deadline for claiming costs related to the storm, and the county must complete its debris removal by that deadline.

Mr. Miller stated senior citizens have expressed concerns that they may not be able to get anyone to move their debris to the curb by October 26th.

Mr. Ramsey stated it will take at least two weeks after the deadline for citizens to put out debris for the contractor to pick it all up.

Mr. Barber stated he feels a deadline is important because it offers motivation to the general public.

Mrs. Humphrey expressed concerns that many citizens are overwhelmed with the amount of debris they have to deal with. She suggested that the county publicly ask citizens to volunteer to assist with debris removal from citizens who cannot take care of it themselves. She stated she feels October 26th is too premature to ask residents to have everything ready and suggested extending the date until November 9, 2003, and then assess where we are.

Mr. McHale stated he does not object to November 9th. He expressed concerns that many residents are having difficulty finding contractors to come and move the debris. He suggested that the county negotiate a contract that citizens can use to access debris removal service at rates negotiated by the county.

Mr. McHale made a motion, seconded by Mrs. Humphrey, for the Board to extend the period of time allotted for free disposal of Hurricane Isabel related residential debris at county transfer stations as well as the contract assisted removal of debris from public property to November 9, 2003; and to direct the County Administrator to pursue a contract(s) with a private contractor(s) to assist citizens who need help with debris removal.

When asked, Mr. Ramsey stated the contract for debris pick-up is based on volume rather than time.

Mr. Warren called for a vote on the motion of Mr. McHale, seconded by Mrs. Humphrey, for the Board to extend the period of time allotted for free disposal of Hurricane Isabel related residential debris at county transfer stations as well as the contract assisted removal of debris from public property to November 9, 2003.

And, further, the Board directed the County Administrator to pursue a contract(s) with a private contractor(s) to assist citizens who need help with debris removal.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale stated he feels the Board should recognize county employees for their response and recovery efforts as well as citizens, church groups and others for their efforts in returning the county to normal.

Mr. McHale made a motion, seconded by Mr. Warren, for staff to prepare resolutions for the Board to adopt commending county employees for their response and recovery efforts and citizens for their efforts in putting the county back together after Hurricane Isabel.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.A.2. DESIGNATION OF THE APPLICANT'S PRIMARY AND SECONDARY AGENTS FOR PUBLIC ASSISTANCE

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following resolution designating Mr. Lane Ramsey, County Administrator, as the applicant's primary agent and Mr. Richard Cordle, Treasurer, as the applicant's secondary agent for public assistance for Chesterfield County:

WHEREAS, as a result of Hurricane Isabel, which occurred in Virginia on September 18, 2003, President Bush has issued a major disaster declaration for the State of Virginia, to include Chesterfield County, and implemented the Public Assistance Program; and

WHEREAS, Chesterfield County will apply for reimbursement for federal disaster assistance for emergency public assistance; and

WHEREAS, in order to receive the federal disaster assistance, the State of Virginia has requested Chesterfield County to designate an applicant's agent; and

WHEREAS, the applicant's agent for Chesterfield County will be authorized to execute for and in behalf of Chesterfield County the application for federal disaster assistance and to file the application according to the resolutions, policies, guidelines, and requirements outlined under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended); and

WHEREAS, the applicant's agent will be authorized to accept and appropriate for and in behalf of Chesterfield County the funds for emergency supplies, repairs and work performed related to the September 2003 Hurricane.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, on behalf of its members, designates Mr. Lane B. Ramsey, County Administrator, as the applicant's primary agent and Ms. Lynda Price, Emergency Management Coordinator, as the applicant's secondary agent for Chesterfield County.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.A.4. SUSPENSION OF BUILDING PERMIT FEES AND OPEN BURNING PERMIT FEES UNTIL DECEMBER 31, 2003 FOR PERMITS DIRECTLY RELATED TO DAMAGE FROM HURRICANE ISABEL

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board suspended building permit fees and open burning permit fees until December 31, 2003 for any permits, which are issued due to damage caused by Hurricane Isabel.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mrs. Humphrey requested that each Board member provide a list of citizens and organizations from their districts who provided exemplary assistance during the hurricane and its aftermath, and that Mr. Ramsey document these acts of valor in a way that the county can thank those who were responsible.

8.B. APPOINTMENTS

On motion of Mr. McHale, seconded by Mr. Miller, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of members to serve on the Youth Services Citizen Board and Health Center Commission,

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.B.1. YOUTH SERVICES CITIZEN BOARD

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board simultaneously nominated/appointed Ms. Candace Rheinhart, a student representative from the Matoaca District, to serve on the Youth Services Citizen Board, whose term is effective immediately and expires June 30, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.B.2. HEALTH CENTER COMMISSION

On motion of Mr. McHale, seconded by Barber, the Board simultaneously nominated/appointed Dr. David R. Beam, representing the Bermuda District, to serve on the Health Center Commission, whose term is effective immediately and expires June 30, 2007.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C. CONSENT ITEMS

8.C.1. ADOPTION OF RESOLUTIONS

8.C.1.a. RECOGNIZING WILLIAM SEYMOUR, III FOR HIS SERVICE TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF CHESTERFIELD COUNTY

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Mr. William Seymour, III has served with distinction as a member of the Industrial Development Authority from approximately 1970 to June 2003; and

WHEREAS, in his role with the Industrial Development Authority, Mr. Seymour assisted the county in attracting new companies to locate here and also facilitating with the

expansions of existing industries, including Pohlig Brothers, B&B Printing, Blueprint Automation, Commonwealth Biotechnologies, Incorporated and Super Radiator Coils, creating millions of dollars in new investment and thousands of new jobs for the residents of Chesterfield County; and

WHEREAS, Mr. Seymour has assisted in the development of industrial parks that have been valuable tools for Economic Development, and both the Meadowville Technology Park and the Chesterfield Industrial Airpark have become great assets to the county; and

WHEREAS, Mr. Seymour has also assisted in a variety of affordable housing projects for the county, including Winchester Green and the student housing project for Virginia State University; and

WHEREAS, Mr. Seymour has faithfully and diligently performed the duties assigned to him as a member of the authority and has consistently demonstrated leadership, sensitivity, and commitment to the issues before the Industrial Development Authority during his impressive 32-plus year tenure.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, recognizes Mr. William Seymour, III, and expresses appreciation for his valuable time and commitment to Chesterfield County while serving on the Industrial Development Authority of the County of Chesterfield, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.b. RECOGNIZING OCTOBER 8, 2003, AS "SAVE DAY" IN CHESTERFIELD COUNTY

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, violence is among the leading causes of death in America, and has replaced disease as the number one killer of children; and

WHEREAS, domestic violence has devastating effects on a woman's physical and emotional well-being, and her ability to care for her children; and

WHEREAS, violence comes in many forms: sexual violence; gang and peer-related violence committed by youth of all ages; family violence; street violence; and violence in the media; and

WHEREAS, billions of dollars per year are attributable to preventable violence-related deaths and injuries and add a tremendous burden to America's health care system; and

WHEREAS, the first step toward unraveling the many layers of our nation's violence problems can begin with awareness; and

WHEREAS, awareness and prevention are the heart of the SAVE Program and of its cornerstone event, SAVE Today for Tomorrow, during which physicians' spouses across the country will join efforts to Stop America's Violence Everywhere (SAVE); and

WHEREAS, members of the Richmond Academy of Medicine Alliance, Incorporated will lead the effort to urge local citizens to search for ways we can all help SAVE (Stop America's Violence Everywhere);

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, recognizes October 8, 2003, as "SAVE Day" in Chesterfield County.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.1.c. RECOGNIZING DISTRICT CHIEF JACK K. EGGLESTON,
CHESTERFIELD FIRE AND EMERGENCY MEDICAL SERVICES
DEPARTMENT, UPON HIS RETIREMENT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Mr. Jack K. Eggleston recognized a need for fire protection in the rural section of southern Chesterfield County and joined a small group of community members who shared that vision; and

WHEREAS, that group met every Monday evening at Archer's Garage and later Gill Grove Baptist Church to formulate a plan of addressing the need which led to the acquisition of donated land on River Road; and

WHEREAS, Mr. Eggleston and this group invested numerous weekends and weeknights constructing what would become the Phillips Volunteer Fire Station, which opened for service in May 1976; and

WHEREAS, Mr. Eggleston was appointed Captain and continued serving his community while furthering his fire fighting education, which included Firefighter III, EMT-Cardiac Technician, Hazardous Materials, Boat Safety, Instructor III, and Chief Officer; and

WHEREAS, in 1977, Mr. Eggleston became the District Chief of Phillips Volunteer Fire Department, where he continued to serve the community with emergency responses as well as by carrying water to horses or just inviting community members without electricity to the station to get warm and have dinner; and

WHEREAS, Chief Eggleston inspired many young adults over the years to pursue careers in the fire service field, including his son and son-in-law, who continue his legacy in the community because of their service; and

WHEREAS, Chief Eggleston retired as District Chief with Chesterfield Fire and Emergency Medical Services in July 2003, yet continues to serve the community as Phillips Volunteer Fire Department's Administrative Assistant.

NOW, THEREFORE IT BE RESOLVED, that the Chesterfield County Board of Supervisors recognizes Mr. Jack K. Eggleston, extends appreciation for his leadership, devotion, and dedicated service to the citizens of Chesterfield County, and congratulations upon his retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.d. APPROVING CHANGES IN SECONDARY SYSTEM OF STATE HIGHWAYS; COALFIELD ROAD

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the Virginia Department of Transportation has provided the Board of Supervisors with a sketch dated April 16, 2002, depicting an abandonment required in the secondary system of state highways as a result of Project 0288-020-105, C504, B679, B680 and B681 which sketch is hereby incorporated herein by reference; and

WHEREAS, new roads serve the same citizens as the portion of old road identified to be abandoned and that segment no longer serves a public need.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby abandon as a part of the secondary system of state highways the portion of road identified by the sketch to be abandoned, pursuant to Section 33.1-155, Code of Virginia, 1950, as amended.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby request that the Commonwealth Transportation Commissioner certify, in writing, that the portion of road hereby abandoned is no longer deemed necessary for uses of the secondary system of state highways pursuant to Section 33.1-154 of the Code of Virginia, 1950, as amended.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.2. ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS

8.C.2.a. FOR A DEPARTMENT OF CONSERVATION AND RECREATION GRANT FOR IMPROVEMENTS TO EPPINGTON PLANTATION

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted and appropriated a Department of Conservation and Recreation grant in the amount of \$60,000 for the Eppington Plantation Historical Park.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.2.b. FOR A FEDERAL GRANT FROM THE DEPARTMENT OF JUSTICE
FOR THE CREATION OF FIVE POSITIONS FOR JUVENILE
DRUG COURT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the acceptance and appropriation of Juvenile Drug Court grant funds from the Department of Justice in the amount of \$499,840; and created five positions necessary to operate the drug court: three treatment clinicians, one drug court probation officer, and one drug court administrator.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.3. SET DATES FOR PUBLIC HEARINGS

**8.C.3.a. TO CONSIDER AN AMENDMENT TO THE SOUTHERN AND
WESTERN AREA PLAN RELATING TO THE MATOACA
VILLAGE PLAN**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of November 12, 2003 at 7:00 p.m. for a public hearing to consider adoption of the Matoaca Village Plan and related ordinances.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.3.b. TO CONSIDER AN AMENDMENT TO THE ZONING
ORDINANCE RELATIVE TO SIGNS IN COUNTY OWNED
ROAD RIGHTS OF WAY**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of November 12, 2003 at 7:00 p.m. for a public hearing to consider an amendment to the Zoning Ordinance relative to signs in county owned road rights of way.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.3.c. TO AMEND THE SUBDIVISION ORDINANCE TO ESTABLISH
STANDARDS FOR LOTS IMPACTED BY WETLANDS,
FLOODPLAINS OR RESOURCE PROTECTION AREAS**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of November 12, 2003 at 7:00 p.m. for a public hearing to consider amendments to the Subdivision Ordinance to establish standards for lots impacted by wetlands, floodplains or resource protection areas.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**8.C.3.d. TO CONSIDER A ZONING ORDINANCE AMENDMENT TO
CHANGE CERTAIN SPECIAL EXCEPTIONS TO CONDITIONAL
USES**

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of November 12, 2003 at 7:00 p.m. for a public

hearing to consider a Zoning Ordinance amendment to change certain Special Exceptions to Conditional Uses.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.3.e. TO CONSIDER A ZONING ORDINANCE AMENDMENT RELATIVE TO BANNERS FOR NON-PROFIT ORGANIZATIONS

On motion of Mr. McHale, seconded by Mr. Barber, the Board set the date of November 12, 2003 at 7:00 p.m. for a public hearing to consider a Zoning Ordinance amendment relative to banners for non-profit organizations.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.4. APPROVAL OF RECOMMENDATIONS FROM THE DRUG AND ALCOHOL ABUSE TASK FORCE

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved the following recommendations from the Drug and Alcohol Abuse Task Force: appointment of up to two members by each Board of Supervisors member to serve on the Substance Abuse Free Environment (SAFE) Board of Directors; and Youth Services to continue to provide staff support and leadership for SAFE.

8.C.5. STATE ROAD ACCEPTANCE

On motion of Mr. McHale, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Sycamore Village, Section B**

● **Village Gate Drive, State Route Number: 5579**

From: Village Ridge Dr. (Rt. 4673)

To: Village View Dr., (Rt. 5580), a distance of: 0.06 miles.

Right-of-way record was filed on 5/3/1997 with the Office Of Clerk To Circuit Court in Pb. 101; Pg. 54, with
a width of 50-56 Ft.

● **Village Gate Drive, State Route Number: 5579**

From: Village View Dr., (Rt. 5580)

To: Village Gate Pl., (Rt. 5581), a distance of: 0.03 miles.

Right-of-way record was filed on 5/3/1997 with the Office Of Clerk To Circuit Court in Pb. 101; Pg. 54, with
a width of 54 Ft.

● **Village Gate Drive, State Route Number: 5579**

From: Village Gate Pl., (Rt. 5581)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 5/3/1997 with the Office Of Clerk To Circuit Court in Pb. 101; Pg. 54, with
a width of 54 Ft.

● **Village Gate Place, State Route Number: 5581**

From: Village Gate Dr., (Rt. 5579)

To: Cul-de-sac, a distance of: 0.02 miles.

Right-of-way record was filed on 5/3/1997 with the Office Of Clerk To Circuit Court in Pb. 101; Pg. 54, with
a width of 48 Ft.

● **Village View Drive, State Route Number: 5580**

From: Village Gate Dr., (Rt. 5579)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 5/3/1997 with the Office Of Clerk To Circuit Court in Pb. 101; Pg. 54, with
a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street

described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Forest Hill Manor**

● **Bendemeer Road, State Route Number: 2058**

From: 0.05 Mi. W of Tuscora Rd., (Rt. 1975)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 12/21/2000 with the Office Of Clerk To Circuit Court in Pb.114; Pg. 96,
with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Watermill, Phase 1**

● **Billstone Drive, State Route Number: 5587**

From: Rose Family Dr., (Rt. 5586)

To: Intersection Water Horse Ct. (Rt. 5592) Billstone Pl. (Rt. 5588), a distance of: 0.06 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,

with a width of 50 Ft.

● **Billstone Place, State Route Number: 5588**

From: Billstone Dr., (Rt. 5587)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,
with a width of 40 Ft.

● **Holding Pond Court, State Route Number: 5591**

From: Holding Pond Ln., (Rt. 5590)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,
with a width of 40 Ft.

● **Holding Pond Lane, State Route Number: 5590**

From: Water House Dr., (Rt. 5589)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,
with a width of 40 Ft.

● **Holding Pond Lane, State Route Number: 5590**

From: Water House Dr., (Rt. 5589)

To: Holding Pond Ct., (Rt. 5591), a distance of: 0.15 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,
with a width of 40 Ft.

● **Holding Pond Lane, State Route Number: 5590**

From: Holding Pond Ct., (Rt. 5591)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,
with a width of 40 Ft.

● **Rose Family Drive, State Route Number: 5586**

From: Rose Family Ln., (Rt. 5585)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,
with a width of 50 Ft.

● **Rose Family Drive, State Route Number: 5586**

From: Rose Family Ln., (Rt. 5585)

To: Billstone Dr., (Rt. 5587), a distance of: 0.09 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,
with a width of 50 Ft.

● **Rose Family Drive, State Route Number: 5586**

From: Billstone Dr., (Rt. 5587)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,
with a width of 50 Ft.

● **Rose Family Lane, State Route Number: 5585**

From: Windmill Ridge Dr., (Rt. 5584)

To: Rose Family Dr., (Rt. 5586), a distance of: 0.06 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,

with a width of 70 Ft.

● **Water Horse Court, State Route Number: 5592**

From: Billstone Dr., (Rt. 5587)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,

with a width of 50 Ft.

● **Water House Drive, State Route Number: 5589**

From: Watermill Py., (Rt. 5583)

To: Holding Pond Ln., (Rt. 5590), a distance of: 0.05 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,

with a width of 50 Ft

● **Watermill Parkway, State Route Number: 5583**

From: Old Hundred Rd., (Rt. 652)

To: Windmill Ridge Dr., (Rt. 5584), a distance of: 0.15 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,

with a width of 70 Ft.

● **Watermill Parkway, State Route Number: 5583**

From: Windmill Ridge Dr., (Rt. 5584)

To: Water House Dr., (Rt. 5589), a distance of: 0.28 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,

with a width of 50 Ft.

● **Windmill Ridge Drive, State Route Number: 5584**

From: Watermill Py., (Rt. 5583)

To: Rose Family Ln., (Rt. 5585), a distance of: 0.06 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,

with a width of 70 Ft.

● **Windmill Ridge Drive, State Route Number: 5584**

From: Rose Family Ln., (Rt. 5585)

To: 0.02 Mi. E of Rose Family Ln., (Rt. 5585), a distance of: 0.02 miles.

Right-of-way record was filed on 10/16/2000 with the Office Of Clerk To Circuit Court in Pb.113; Pg. 43,

with a width of 70 Ft.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

8.C.7. APPROPRIATION OF FUNDS TO THE INDUSTRIAL DEVELOPMENT
AUTHORITY FOR PURPOSES OF AN ECONOMIC DEVELOPMENT
GRANT TO HCA HEALTHCARE

On motion of Mr. McHale, seconded by Mr. Barber, the Board appropriated \$55,000 from the Economic Development Incentive

Reserve to the Industrial Development Authority for the purpose of awarding an economic development grant to HCA Healthcare.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

**8.C.8. APPROVAL OF A CHANGE ORDER TO S. W. ROGERS
CONSTRUCTION COMPANY INCORPORATED FOR THE JAIL
REPLACEMENT PROJECT PHASE 'A' SITE WORK**

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the County Administrator to execute a change order with S. W. Rogers Construction Company Incorporated, in the amount of \$83,893, for the removal and replacement of poor soils for the Jail Replacement Project Phase 'A' site work.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

**8.C.9. AWARD OF CONSTRUCTION CONTRACT TO G.V. LAYNE
CONTRACTING, INCORPORATED FOR THE BAILEY BRIDGE FORCE
MAIN - PHASE IV PROJECT**

On motion of Mr. McHale, seconded by Mr. Barber, the Board awarded a construction contract to G. V. Layne Contracting, Incorporated, in the amount of \$1,264,669.50, for the Bailey Bridge Force Main - Phase IV Project, and authorized the County Administrator to execute the necessary documents.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

8.C.10. ACCEPTANCE OF PARCELS OF LAND

**8.C.10.a. ALONG THE WEST RIGHT OF WAY LINE OF MT. HERMON
ROAD FROM GLEN V. AND CELIA R. HEALEY**

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 1.05 acres along the west right of way line of Mt. Hermon Road (State Route 606) from Glen V. and Celia R. Healey, and authorized the County Administrator to execute the necessary deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

**8.C.10.b. ALONG THE WEST RIGHT OF WAY LINE OF CHESTER ROAD
FROM CHARLES M. AND CAROL B. LANDEN**

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 0.066 acres along the west right of way line of Chester Road from Charles M. and Carol B. Landen, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

8.C.11. REQUEST TO QUITCLAIM A SIXTEEN-FOOT DRAINAGE EASEMENT (PUBLIC) ACROSS THE PROPERTY OF SWIFT CREEK LAND ASSOCIATES, LIMITED PARTNERSHIP

On motion of Mr. McHale, seconded by Mr. Barber, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a 16-foot drainage easement (public) across the property of Swift Creek Land Associates, Limited Partnership. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and McHale.
Nays: None.

8.C.12. TRANSFER OF \$5200 IN DISTRICT IMPROVEMENT FUNDS TO THE CHESTERFIELD COUNTY HISTORICAL SOCIETY TO REPRINT THE "CHESTERFIELD, AN OLD VIRGINIA COUNTY 1607-1954" BOOK

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$1,040 each from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds (total of \$5,200) to the Chesterfield County Historical Society to reprint the "Chesterfield, an Old Virginia County 1607-1954" book written by Francis Earle Lutz.

Ayes: Warren, McHale, Barber, Humphrey and McHale.
Nays: None.

8.C.13. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE CLOVER HILL DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO CONSTRUCT A DOG PARK AT ROCKWOOD PARK

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$5,000 from the Clover Hill District Improvement Fund to the Parks and Recreation Department to construct a dog park at Rockwood Park.

Ayes: Warren, McHale, Barber, Humphrey and McHale.
Nays: None.

8.C.14. TRANSFER OF DISTRICT IMPROVEMENT FUNDS FROM THE BERMUDA DISTRICT IMPROVEMENT FUND TO THE DEPARTMENT OF ENVIRONMENTAL ENGINEERING TO PURCHASE PIPE TO BE INSTALLED IN A COUNTY DRAINAGE EASEMENT TO ELIMINATE FLOODING AT THE INTERSECTION OF ECOFF ROAD AND DELAVIAL STREET

On motion of Mr. McHale, seconded by Mr. Barber, the Board transferred \$5,300 from the Bermuda District Improvement Fund to the Department of Environmental Engineering to purchase pipe to be installed in a county drainage easement to eliminate flooding at the intersection of Ecoff Road and DeLavial Street.

Ayes: Warren, McHale, Barber, Humphrey and McHale.
Nays: None.

The following item was removed from the Consent Agenda for Board discussion:

8.C.6. TRANSFER OF FUNDS AND AUTHORIZATION TO ENTER INTO A VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)/COUNTY LOAN AGREEMENT FOR ROUTE 360 WIDENING PROJECT (SWIFT CREEK - WINTERPOCK)

Mr. Miller expressed concerns relative to the amount of interest the county will lose by providing an interest free loan, and asked whether the county has made loans like this in the past for road projects.

Mr. Ramsey stated the county has provided loans to VDOT on a number of occasions as a means for advancing road projects.

Mr. Micas noted that the agreement will include a nonappropriation clause for VDOT which is similar to what has been done in the past.

Mr. McHale inquired how the Kingsdale Road project is progressing.

Mr. McCracken stated, through MPO actions, the county has designated sufficient funds to complete the Kingsdale Road project, and VDOT has indicated the project will be advertised in January 2004.

Mr. Barber expressed concerns that there is no guarantee VDOT will reimburse the county because of the nonappropriation clause.

Mr. Ramsey stated there has never been a guarantee that VDOT would reimburse the county for loans to complete road projects. He further stated that in the past, the county has always been reimbursed by VDOT.

Mr. Micas stated the agreement represents an obligation on VDOT's part, subject to annual appropriations, and provides that the Secretary of Transportation must support the repayment. He further stated it would be highly irregular for VDOT not to reimburse the county, considering the long term partnership they have had.

Mr. Miller expressed concerns relative to providing a \$1 million loan and having to rely on VDOT's good faith for reimbursement.

Mr. Barber expressed concerns relative to the hazardous conditions on Old Bon Air Road, and noted that the project has been postponed for many years because of budget constraints. He stated there was another serious accident on Old Bon Air Road last night, and expressed concerns about loaning money for road projects for the convenience of commuters, rather than addressing hazardous road issues where citizens have lost their lives. He stated he will not support the transfer of funds to VDOT for the Route 360 widening project.

Mrs. Humphrey stated the Board provided funding for the Woolridge Road Extension several years ago to reduce commuter

time through the Midlothian Village. She further stated she has no doubts that VDOT will reimburse the county. She expressed concerns relative to the amount of traffic on Route 360, and stated that the widening project has been designated the number one road priority for both the county and the region.

Mr. Miller stated he will support the proposal although he is concerned about providing an interest-free loan without a legal commitment that the county will be reimbursed.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board transferred \$1 million from the Industrial Access Account for the Route 360 widening project from Swift Creek to Winterpock Road, and authorized the County Administrator to execute a Virginia Department of Transportation (VDOT)/county loan agreement, acceptable to the County Attorney, which provides for a \$1 million loan to VDOT for the westbound widening.

Ayes: Warren, McHale, Humphrey and McHale.
Nays: Barber.

Mr. Warren recognized former Board of Supervisors member Joan Girone who was present at the meeting.

Mrs. Joan Girone, representing the Chesterfield Business Council, stated the council supports the Board's decision to transfer funds for the Route 360 widening project. She read e-mails from two members of the council who support the proposal.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board accepted the following reports:

A report on Developer Water and Sewer Contracts; and a status report on the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Warren, McHale, Barber, Humphrey and McHale.
Nays: None.

11. DINNER

On motion of Mr. McHale, seconded by Mr. Barber, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Warren, McHale, Barber, Humphrey and McHale.
Nays: None.

Reconvening:

12. INVOCATION

Deacon Darryl W. Cousins, Sr., Cornerstone Baptist Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scout Darren Linzey Faulkner led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

14.A.1. DARREN LINZEY FAULKNER, MATOACA DISTRICT

Mr. Hammer introduced Mr. Darren Faulkner who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Darren Linzey Faulkner, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Darren has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, publicly recognizes Mr. Darren Linzey Faulkner, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Faulkner, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Faulkner expressed appreciation to members of his troop, Woodlake United Methodist Church, his parents and others for their support.

14.A.2. SCOTT WILLIAM DECKER, MIDLOTHIAN DISTRICT

Mr. Hammer introduced Mr. Scott Decker who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Scott William Decker, Troop 800, sponsored by Bethel Baptist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Scott has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, publicly recognizes Mr. Scott William Decker, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Barber presented the executed resolution and patch to Mr. Decker, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Decker expressed appreciation to his parents, fellow scouts, troop leaders and others for their support.

14.B. RECOGNIZING THE 2003 CENTRAL CHESTERFIELD LITTLE LEAGUE FIFTEEN-YEAR-OLD NATIONAL INVITATIONAL ALL STARS FOR ITS OUTSTANDING REPRESENTATION OF CHESTERFIELD COUNTY

Mr. Hammer introduced coaches and members of the Central Chesterfield Little League 15-year-old National Invitational All Stars who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, participation in youth athletics has long been an integral part of Chesterfield County's educational, physical and emotional development for students; and

WHEREAS, the 2003 Central Chesterfield Little League 15-year-old division is managed by Glenn Miller and coached by Mike Eugene and Alan Pruett; and

WHEREAS, by winning pool play with a record of 3-1 the team advanced to the Championship game where they came in 1st place; and

WHEREAS, under the guidance and direction of Mr. Miller, Mr. Eugene, and Mr. Pruett, the team had a win-loss record of 4-1 with players: Mat Fletcher, Patrick Eugene, David Smiy, Brian Hannum, Frankie Sheffield, Dustin Shipp, Bruce Privott, Dylan Waldron, Burton Pegoraro, Jason Walton, Jason Pruett and Colin Innes.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, publicly recognizes the 2003 Central Chesterfield Little League 15-year-old National Invitational All Stars, for their outstanding representation of Chesterfield County, commends them for their commitment to excellence and sportsmanship, and expresses best wishes for continued success.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Warren and Mr. McHale presented executed resolutions to the coaches and members of the Central Chesterfield Little League 15-year-old National Invitational All Stars, congratulated them on an outstanding season, and wished them future success.

Coach Miller expressed appreciation to the Board for the recognition and also to the Parks and Recreation Department for their support.

14.C. RECOGNIZING THE 2003 CENTRAL CHESTERFIELD LITTLE LEAGUE EIGHT-YEAR-OLD NATIONAL INVITATIONAL ALL STARS FOR ITS OUTSTANDING REPRESENTATION OF CHESTERFIELD COUNTY

Mr. Hammer introduced coaches and members of the Central Chesterfield Little League eight-year-old National Invitational All Stars who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, participation in youth athletics has long been an integral part of Chesterfield County's educational, physical and emotional development for students; and

WHEREAS, the 2003 Central Chesterfield Little League eight-year-old National Division is managed by Steve Moore and coached by Kenny Mitchell, Brian Douglass and Chuck Smith; and

WHEREAS, by winning their pool 3-1, the Central Chesterfield Little League eight-year-old National Division advanced to the semi-finals round and won, thereby advancing to the championship game where they finished in first place; and

WHEREAS, under the guidance and direction of Mr. Moore, Mr. Mitchell, Mr. Douglass and Mr. Smith, the team had a win-loss record of 5-1 and won their pool with players: Dylan Burnette, Brian Douglass, Jimmy Emory, Bryce Harman, Alana Harris, Tanner Mitchell, Jacob Moore, Cody Perry, Joshua Romano, Alex Smith, Joshua Wright, Matthew Saunders.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, publicly recognizes the 2003 Central Chesterfield Little League eight-year-old National Invitational All Stars for their outstanding representation of Chesterfield County, commends them for their commitment to excellence and sportsmanship, and expresses best wishes for continued success.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Board members presented executed resolutions to coaches and members of the Central Chesterfield Little League eight-year-old National Invitational All Stars, congratulated them on their outstanding achievement, and wished them future success.

14.D. RECOGNIZING OCTOBER 2003, AS "DOMESTIC VIOLENCE AWARENESS MONTH"

Mr. Hammer introduced Ms. Janett Forte, Domestic Violence Resource Center Coordinator, Mr. Larry Barnett, representing the Community Services Board, and members of the county's Domestic Violence Task Force who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, violence in the home continues as a major social problem affecting all members of the family and community and dramatically reduces the quality of life for many citizens; and

WHEREAS, we understand the problems of domestic violence occur among people of all ages and in families of all economic, racial, and social backgrounds; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and abuse; and

WHEREAS, the impact of domestic violence is wide ranging, directly affecting women, men and their children and our community as a whole; and

WHEREAS, Chesterfield County is committed to supporting the well being of families by advocating for intervention and prevention activities that decrease the incidents of domestic violence; and

WHEREAS, only a coordinated and integrated effort, which obtains a commitment from all elements of the community to share responsibility in the fight against domestic violence, will put an end to the horrific crime.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 8th day of October 2003, publicly recognizes October 2003, as "Domestic Violence Awareness Month" and urges all citizens to actively support the efforts of the Chesterfield County Domestic Violence Resource Center, the Chesterfield Domestic Violence Task Force and our local domestic violence service providers in working towards the elimination of domestic violence in our community.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Barber presented the executed resolution to Mr. Barnett, accompanied by members of the Domestic Violence Task Force and domestic violence service providers, and expressed appreciation for their efforts towards eliminating domestic violence.

Ms. Forte expressed appreciation for the opportunity to acknowledge "Domestic Violence Awareness Month." She reviewed recent initiatives of the task force.

Mr. Barnett expressed appreciation to the Board, Mr. Ramsey and county staff for their support of the Domestic Violence Task Force.

14.E. RECOGNIZING OCTOBER 14 2003, AS "CHRISTMAS MOTHER DAY"

Mr. Hammer introduced Ms. Mary Blackwood, Christmas Mother for 2003, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, most families in Chesterfield County enjoy peace and happiness during the Christmas holidays; and

WHEREAS, there are many, including children, the elderly and the less fortunate, who do not have the means to enjoy this special time of year; and

WHEREAS, the Chesterfield/Colonial Heights Christmas Committee has successfully provided food, gifts, and clothing to many of our citizens in the past; and

WHEREAS, Ms. Mary Blackwood has been elected Christmas Mother for 2003 and requests support of all the citizens of the county to ensure that those less fortunate may enjoy this special season of the year.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly recognizes October 14, 2003 as "Christmas Mother Day" and urges all citizens of Chesterfield County to support this worthy endeavor.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors publicly commends the Christmas Committee for their very successful efforts in past years and extends best wishes for a successful 2003 season.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Ms. Blackwood and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mrs. Humphrey presented the executed resolution and a contribution, on behalf of the county, to Ms. Blackwood and wished her well in her endeavors as Christmas Mother.

Ms. Blackwood recognized a former Christmas Mother, Mrs. Barbara McHale, who was present at the meeting. She expressed appreciation to the Board, county staff and citizens for their support of the Christmas Mother Program.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

03SN0327

In Bermuda Magisterial District, ANTONIO AND CHRISTINE CIMINO request Conditional Use and amendment of zoning district map to permit a two (2) family dwelling in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 4.0 units per acre or less. This request lies on 16.7 acres and is known as 2301 Burgess Road. Tax ID 827-647-3654 (Sheet 36).

Mr. Jacobson presented a summary of Case 03SN0327 and stated the Planning Commission and staff recommend approval subject to conditions.

Mr. Antonio Cimino and Mrs. Christine Cimino stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mr. Warren, the Board approved Case 03SN0327 subject to the following conditions:

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit; individuals related to them by blood, marriage, adoption or guardianship; foster children; guests; and any domestic servants. (P)
2. For the purposes of providing record notice, within thirty (30) days of the approval of this request:
 - a. An instrument titled "notice of zoning restriction" shall be recorded with the property owner indexed as "grantor" and setting forth the limitations of Conditions 1 and 2; and
 - b. The deed book and page number of such notice and a copy of the notice as recorded shall be submitted to the Planning Department. (P)

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Miller recognized members of Boy Scout Troop 880, sponsored by Beulah United Methodist Church, who were present at the meeting.

16. PUBLIC HEARINGS

16.A. TO CONSIDER RE-ADOPTION OF AN ORDINANCE AMENDING AND ADDING A SECTION TO COUNTY CODE TO ALLOW THE COUNTY TO COLLECT A FEE AS COURT COSTS IN JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT AND CIRCUIT COURT TO DEFRAY THE COST OF OPERATING THE COUNTY'S POLICE AND SHERIFF'S TRAINING ACADEMIES

Mr. Micas stated this date and time has been advertised for the Board to re-adopt an ordinance amending the County Code to allow the county to collect a fee as court costs in Juvenile and Domestic Relations District Court and Circuit Court to defray the cost of operating the county's police and sheriff's training academies.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board re-adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 9-133 AND BY ADDING SECTION 9-134
RELATING TO FEES COLLECTED FOR CRIMINAL AND TRAFFIC
CONVICTIONS IN DISTRICT COURTS AND CIRCUIT COURT TO SUPPORT
CRIMINAL JUSTICE TRAINING ACADEMIES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-133 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Section 9-133. Collection of fee in district courts to support criminal justice training academies.

- (a) The county hereby assesses a fee of \$1.00, as court costs in the district courts, for misdemeanors, traffic offenses, and criminal actions or proceedings for violation of any provision of Code of Virginia, tit. 18.2, ch. 7, art. 1, (§§ 18.2-247 et seq.), as amended.
- (b) Assessment of the fees provided for in this section shall be based on: (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty; or (v) a deferral of proceedings pursuant to Code of Virginia §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-67.2:1, 18.2-251 or 19.2-303.2, as amended.
- (c) After collection by the clerk of the district court, the fee shall be remitted to the county treasurer and held in a special nonreverting fund that will be used solely to support the Police and Sheriff Departments' criminal justice training academies.

(2) That Section 9-134 of the Code of the County of Chesterfield, 1997, as amended, is added to read as follows:

Section 9-134. Collection of fee in circuit court to support criminal justice training academies.

- (a) Pursuant to Code of Virginia §9.1-106, as amended, the county hereby assesses a fee of \$1.00, as court costs in the circuit court, for those cases as provided in Code of Virginia §§17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, and 17.275.9, as amended.
- (b) After collection by the clerk of the circuit court, the fee shall be remitted to the county treasurer and held in a special nonreverting fund that will be used solely to support the Police and Sheriff Departments' criminal justice training academies.

(3) That this ordinance with respect to Section 9-133 shall become effective immediately upon adoption.

(4) That this ordinance with respect to Section 9-134 shall become effective on October 1, 2003.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

**16.B. TO CONSIDER AN ORDINANCE AMENDMENT RELATING TO
PROPERTY USED FOR AQUACULTURE IN THE SPECIAL LAND
USE TAXATION PROGRAM**

Mr. Harris stated this date and time has been advertised for a public hearing to consider an ordinance amendment relating to property used for aquaculture in the special land use taxation program.

Mr. Warren called for public comment.

Mr. Gary Morrisett stated he supports the proposed ordinance amendment.

There being no one else to speak to the ordinance amendment, the public hearing was closed.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY ADDING
SECTION 9-20.1 AND AMENDING AND RE-ENACTING
SECTION 9-21 RELATING TO TAXATION OF
REAL PROPERTY USED FOR AQUACULTURE

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-20.1 of the Code of the County of Chesterfield, 1997, as amended, is added and Section 9-21 is amended and re-enacted to read as follows:

DIVISION 2. LAND USE

o o o

Sec. 9-20.1. Determination of qualifications - Aquaculture.

To qualify for taxation under this division, real estate used for the purposes of engaging in aquaculture as defined by state law shall consist of a minimum of one (1) acre in addition to satisfying all other requirements of this division.

Sec. 9-21. Determination of qualifications--Use of fair market value.

The use value of fair market value of any qualifying property shall be placed on the land book before delivery to the treasurer, and the tax for the next succeeding tax year shall be extended from the use value.

(2) That this ordinance shall become effective on January 1, 2004.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

**16.C. TO CONSIDER AMENDING CHAPTER 10 OF THE COUNTY CODE
RELATING TO FIRE PROTECTION**

Mr. Micas stated this date and time has been advertised for a public hearing to consider an ordinance relating to fire

protection. He further stated the proposed amendments are required as a result of changes in the state Fire Prevention Code.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Barber, seconded by Mr. McHale, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED BY AMENDING
AND RE-ENACTING SECTIONS 10-1, 10-3 AND 10-7 RELATING
TO FIRE PREVENTION

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Chapter 10 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 10-1. Fire prevention code adopted.

The county shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth pursuant to Code of Virginia, § 27-98. The provisions of the Virginia Statewide Fire Prevention Code and chapter 10 of this Code shall be enforced by the Fire Marshal, or his duly authorized representative, hereafter referred to as the "fire official", at the direction of the Chief of the county fire department.

o o o

Sec. 10-3. Fire prevention code --Amendments, additions and deletions.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Code of Virginia, §27-97, in the following respects:

Chapter 1. Administration and Enforcement

106.3 Inspections. Delete and substitute 106.3 as follows:

The fire official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body. The fire official may require the owner or owner's agent to inspect the owner's property or equipment in accordance with guidelines approved by the fire official.

106.8 Plans Review and Certificate of Occupancy. Add section 106.8 as follows:

The fire official shall assist the building official in the review of construction plans for compliance with the fire protection provisions of the Virginia Uniform Statewide Building Code for all structures and/or facilities, except detached one- and two-family dwellings, prior to the issuance of a building permit. Furthermore, the fire official shall assist the building official in performing inspections of new systems and structures prior to the issuance of the certificate of occupancy.

106.9 Fire Hydrants. Add section 106.9 as follows:

During the site and/or construction plans review process for construction or change in use of any building or structure, the fire official shall have the authority to require the installation of fire hydrants as he deems necessary to have water available for fire fighting purposes prior to the use of combustible materials in construction being commenced on any floor above the first or ground floor level. Such hydrants shall be accessible to fire fighting apparatus at the time they are installed and at all times thereafter. The fire official will determine the need for fire hydrants based on the use and size of the structure involved and the availability of water in the area of the property. The number of fire hydrants, their placement and the desired flow shall be determined by regulations established from nationally recognized standards.

106.10 Authority to Take Photographs. Add section 106.10 as follows:

The fire official or his duly authorized representative is authorized to make sketches and take photographs to document conditions he observes that he believes are violations of the provisions of this code. Subsequent to a fire, explosion, or other emergency, photographs may be taken as are necessary to adequately depict the conditions of the property for the purpose of investigation. No person shall prevent the fire official from making sketches or taking photographs.

107.2 Operational Permits. Add Table 107.2 as follows:

TABLE 107.2.
OPERATIONAL PERMIT REQUIREMENTS

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE
Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	No		
Amusement buildings. An operational permit is required to operate a special amusement building.	No		
Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	No		
Carnivals and fairs. An operational permit is required to conduct a carnival or fair.	No		
Battery systems. An operational permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).	No		

Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	No																
Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	No																
Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m³). Exception: An operational permit is not required for agricultural storage.	No																
Compressed gas. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle. PERMIT AMOUNTS FOR COMPRESSED GASES <table><tr><td>TYPE OF GAS</td><td>AMOUNT (cubic feet at NTP)</td></tr><tr><td>Corrosive</td><td>200</td></tr><tr><td>Flammable (except cryogenic fluids and liquefied petroleum gases)</td><td>200</td></tr><tr><td>Highly toxic</td><td>Any amount</td></tr><tr><td>Inert and simple asphyxiant</td><td>6,000</td></tr><tr><td>Oxidizing (including oxygen)</td><td>504</td></tr><tr><td>Toxic</td><td>Any amount</td></tr></table> For SI: 1 cubic foot = 0.02832 m²	TYPE OF GAS	AMOUNT (cubic feet at NTP)	Corrosive	200	Flammable (except cryogenic fluids and liquefied petroleum gases)	200	Highly toxic	Any amount	Inert and simple asphyxiant	6,000	Oxidizing (including oxygen)	504	Toxic	Any amount	No		
TYPE OF GAS	AMOUNT (cubic feet at NTP)																
Corrosive	200																
Flammable (except cryogenic fluids and liquefied petroleum gases)	200																
Highly toxic	Any amount																
Inert and simple asphyxiant	6,000																
Oxidizing (including oxygen)	504																
Toxic	Any amount																
Covered mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid- or gas-fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	No																
Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below. Exception: Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.	No																
Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.	No																
Dry cleaning plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	No																
Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.	No																
Explosives, ammunition and blasting agents: Storage, approved overnight Transportation, each vehicle Use, each site or location Firm or company license	Yes	\$65.00															
Extremely Hazardous Substances (EHS)	No																
Fireworks Retailer and/or Wholesaler Public Display	No Yes	\$0															
Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public. Exception: An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.	No																
Flammable and combustible liquids. An operational permit is required: 1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the	No																

<p>Department of Transportation (DOTn) (see Section 3501.1.2) nor does it apply to piping systems (see Section 3503.6).</p> <p>2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:</p> <p>2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.</p> <p>2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</p> <p>3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</p> <p>4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.</p> <p>5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</p> <p>6. To remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.</p> <p>7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.</p> <p>8. To manufacture, process, blend or refine flammable or combustible liquids.</p>			
Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m2) using Class I or Class II liquids.	No		
Fruit and crop ripening. An operational permit is required to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.	No		
Fumigation and thermal insecticidal fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.	No		
Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.	No		
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS			
TYPE OF MATERIAL		AMOUNT	
Combustible liquids		See flammable and combustible liquids	
Corrosive materials			
Gases		See compressed gases	
Liquids		55 gallons	
Solids		1000 pounds	
Explosive materials		See explosives	
Flammable materials			
Gases		See compressed gases	
Liquids		See flammable and combustible liquids	
Solids		100 pounds	
Highly toxic materials			
Gases		See compressed gases	
Liquids		Any amount	
Solids		Any amount	
Oxidizing materials			
Gases		See compressed gases	
Liquids			
Class 4		Any amount	
Class 3		1 gallon	
Class 2		10 gallons	

Class 1 Solids Class 4 Class 3 Class 2 Class 1 Organic peroxides Liquids Class I Class II Class III Class IV Class V Solids Class I Class II Class III Class IV Class V Pyrophoric materials Gases Liquids Solids Toxic materials Gases Liquids Solids	55 gallons Any amount 10 pounds 100 pounds 500 pounds Any amount Any amount 1 gallon 2 gallons No permit required Any amount Any amount 10 pounds 20 pounds No permit required See compressed gases Any amount Any amount See compressed gases 10 gallons 100 pounds			
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS TYPE OF MATERIAL Unstable (reactive) materials Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3 Class 2 Class 1 Water-reactive materials Liquids Class 3 Class 2 Class 1 Solids Class 3 Class 2 Class 1 For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.	Any amount Any amount 5 gallons 10 gallons Any amount Any amount 50 pounds 100 pounds Any amount 5 gallons 55 gallons Any amount 50 pounds 500 pounds	No		
HPM facilities. An operational permit is required to store, handle or use hazardous production materials.		No		
High piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m ²).		No		
Hot work operations. An operational permit is required for hot work including, but not limited to: 1. Public exhibitions and demonstrations where hot work is conducted. 2. Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit. 3. Fixed-site hot work equipment such as welding booths. 4. Hot work conducted within a hazardous fire area. 5. Application of roof coverings with the use of an open-flame device. 6. When approved, the fire official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.		No		

Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 21.	No		
Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft ³) (236 m ³).	No		
Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.	No		
LP-gas. An operational permit is required for: 1. Storage and use of LP-gas. Exception: An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3. 2. Operation of cargo tankers that transport LP-gas.	No		
Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	No		
Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m ³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.	No		
Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Exception: Recreational fires and provided further that the County Administrator may administratively suspend the open burning fee for a temporary period of time after any national, state or local authority declares a disaster affecting all or a portion of the County.	Yes	\$400.00	
Open flames and candles. An operational permit is required to remove paint with a torch; use a torch or open-flame device in a hazardous fire area; or to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	No		
Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	No		
Places of Assembly/educational. An operational permit is required to operate a place of assembly/educational occupancy.	No		
Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants. Exception: An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.	No		
Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.	No		
Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.	No		
Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	No		
Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations.	No		
Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.	No		
Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.	No		
Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71m ³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	No		

TABLE 107.2.
OPERATIONAL PERMIT REQUIREMENTS

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE
Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent. Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m2) or less, including all connecting areas or spaces with a common means of egress by or entrance and with an occupant load of 50 or less persons. 3. Fabric canopies and awnings open on all sides which comply with all of the following: 3.1. Individual canopies shall have a maximum size of 700 square feet (65 m2). 3.2. The aggregate area of multiple canopies placed side by side without a firebreak clearance of 12 feet (3658 mm) shall not exceed 700 square feet (65m2) total. 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.	No		
Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	No		
Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	No		
Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m3).	No		

111.3 Failure to Correct Violations. Delete and substitute 111.3 as follows:

If the notice of violation is not complied with within the time specified by the fire official, the fire official may issue a summons for the violation of the code. The fire official may also request the county attorney to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant to the code.

111.4 Penalties. Delete and substitute section 10-6 of the Chesterfield County Code.

Chapter 2. Definitions

202.0. General Definitions. Add the following definition:

The term "occupant" means any person physically located or situated in or on any property, structure or vehicle irrespective of the length of time or the reason for such occupancy.

Chapter 3. General Precautions Against Fire

307.1 Title and Purpose. Delete and substitute section 307.1 as follows:

This article shall be known as the Chesterfield County Ordinance for the Regulation of Open Burning. The purpose of this article is to protect public health, safety, and welfare by regulating open burning within Chesterfield County to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development.

This article is intended to supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.

307.2 Definitions. Delete and substitute section 307.2 as follows:

For the purpose of this article and subsequent amendments or any orders issued by Chesterfield County, the words or phrases shall have the meaning given them in this section.

- A. "Automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.
- B. "Bonfire" means an outdoor fire utilized for ceremonial purposes.
- C. "Clean burning waste" means waste which does not produce dense smoke when burned and is not prohibited to be burned under this ordinance.
- D. "Construction waste" means solid waste which is produced or generated during construction of structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.
- E. "Debris waste" means stumps, wood, brush, and leaves from property maintenance and/or land clearing operations.
- F. "Demolition waste" means that solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.
- G. "Garbage" means rotting animal and vegetable matter accumulated by a household in the course of ordinary day to day living.
- H. "Hazardous waste" means refuse or combinations of refuse which, because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
 - 2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

- I. "Household refuse" means waste material and trash normally accumulated by a household in the course of ordinary day to day living.
- J. "Industrial waste" means all waste generated on the premises of manufacturing and industrial operations such as, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses, and steel mills.
- K. "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.
- L. "Landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill. See solid waste management regulations for further definitions of these terms.
- M. "Local landfill" means any landfill located within the jurisdiction of a local government.
- N. "Occupied building" means any structure occupied or intended for supporting or sheltering any occupancy.
- O. "Open burning" means the burning of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without passing through a stack, duct or chimney.
- P. "Open pit incinerator" means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion by-products emitted into the atmosphere. The term also includes trench burners, air curtain destructors and overdraft incinerators.
- Q. "Refuse" means trash, rubbish, garbage and other forms of solid or liquid waste, including, but not limited to, wastes resulting from residential, agricultural, commercial, industrial, institutional, trade, construction, land clearing, forest management and emergency operations.
- R. "Salvage operation" means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.
- S. "Sanitary landfill" means an engineered land burial facility for the disposal of household waste which is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid

waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, and nonhazardous industrial solid waste. See solid waste management regulations for further definitions of these terms.

- T. "Smoke" means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.
- U. "Special incineration device" means a pit incinerator, conical or tepee burner, or any other device specifically designed to provide good combustion performance.

307.3 Open Burning Regulations. Delete and substitute Section 307.3 as follows:

- A. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of refuse except as provided in this ordinance.
- B. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of household refuse or garbage.
- C. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum based materials except when conducting bona fide fire fighting instruction at fire fighting training schools having permanent facilities.
- D. No owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of hazardous waste or containers for such materials.
- E. No owner or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the disposal of commercial/industrial waste.
- F. Open burning or the use of special incineration devices permitted under the provisions of this ordinance does not exempt or excuse any owner or other person from the consequences, liability, damages or injuries which may result from such conduct; nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to Code of Virginia, §10.1-1142, of the Forest Fire Law of Virginia, the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.
- G. Upon declaration of an alert, warning or emergency stage of an air pollution episode as described in part VII of

the Regulations for the Control and Abatement of Air Pollution or when deemed advisable by the state air pollution control board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner or other person shall cause or permit open burning or use of a special incineration device, and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.

307.3.1 Exemptions. Add subsection 307.3.1 as follows:

The following activities are exempted from the above prohibitions to the extent covered by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution:

- A. Open burning for training and instruction of government and public fire fighters under the supervision of the designated official and industrial in-house fire fighting personnel;
- B. Open burning for camp fires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;
- C. Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack;
- D. Open burning for forest management and agriculture practices approved by the state air pollution control board; and
- E. Open burning for the destruction of classified military documents.

307.3.2 Permissible open burning. Add subsection 307.3.2 as follows:

- A. Open burning is permitted for the disposal of tree trimmings and garden trimmings located on the premises of private property, provided that the following conditions are met:
 - 1. A written permit, valid for thirty (30) days, must be obtained from the Chesterfield Fire & EMS, Fire and Life Safety Division. Application for permit shall include: completed information form, the name, address and telephone number of the occupant and, if different, owner of the property on which the burn is conducted and of any other entity conducting or responsible for the burn. Application shall be submitted to the Fire and Life Safety Division at least 15 days before the desired burn; and
 - 2. A copy of the burn permit shall be maintained at the site of the burn, shall be available for review at all times during the burn, shall be displayed so as to be visible from a public roadway and shall be

maintained in a manner that protects it from deterioration by weather; and

3. The burning shall take place on the premises of the private property from which the trimmings were taken; and all reasonable effort shall be made to minimize the amount of material burned, with the number and size of the piles approved by Chesterfield County Fire & EMS, Fire and Life Safety Division; and
 4. The location of the burning shall be a minimum of 300 feet from any occupied building unless the occupants have given prior written permission, other than buildings located on the property on which the burning is conducted. If the Chesterfield County Fire & EMS, Fire and Life Safety Division determines that it is necessary to protect public health and welfare, it may direct that the above cited distances be increased; and
 5. All fires must be at least 50 feet from any structure; and
 6. Permitted fires shall be constantly attended by a competent person until they are extinguished. The attendee shall have fire extinguishing equipment readily available for use as deemed necessary by the code official; and
 7. No regularly scheduled public or private collection service for such trimmings is available at the adjacent street or public road, and
 8. Permits for burning tree trimmings and/or garden trimmings shall be limited to two per site per year.
- B. Open burning is permitted for disposal of debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other designated local clearing operations which may be approved by Chesterfield Fire & EMS, Fire and Life Safety Division, provided the following conditions are met:
1. A written permit, valid for ninety (90) days, must be obtained from the Chesterfield Fire & EMS, Fire and Life Safety Division. Application for permit shall include: Fee for permit, completed information form, site plan drawing of burn site, proof of liability insurance for party performing burn, and the name, address and telephone number of the owner and, if different, developer of the property on which the burn is conducted and of any other entity conducting or responsible for the burn. Application shall be submitted to the Fire and Life Safety Division at least 15 days before the desired burn.

2. A copy of the burn permit shall be maintained at the site of the burn, shall be available for review at all times during the burn, shall be displayed so as to be visible from a public roadway and shall be maintained in a manner that protects it from deterioration by weather; and
 3. The burning shall take place on the site from which the debris waste was generated. All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by Chesterfield County Fire & EMS, Fire and Life Safety Division;
 4. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
 5. The location of the burning shall be a minimum of 500 feet from any occupied building unless the occupants have given prior written permission, other than buildings located on the property on which the burning is conducted. If the Chesterfield County Fire & EMS, Fire and Life Safety Division determines that it is necessary to protect public health and welfare, it may direct that the above cited distances be increased; and
 6. The burning shall be conducted at the greatest distance practicable from highways and airfields;
 7. Permitted fires shall be constantly attended by a competent person until they are extinguished and conducted to ensure the best possible combustion with a minimum of smoke being produced. The attendee shall have fire extinguishing equipment readily available for use as deemed necessary by the code official;
 8. The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and
 9. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.
 10. The permit holder must maintain liability insurance in the minimum amount of \$1,000,000 general liability coverage at all times while burning is taking place. At the time of permit application, a certificate of insurance coverage shall be submitted to the fire marshal; and
- C. Open burning is permitted for disposal of debris on the site of local landfills provided that the burning does not take place on land that has been filled and covered so as to present an underground fire hazard due to the presence of methane gas, provided that the following conditions are met:
1. A written permit, valid for ninety (90) days, must be obtained from the Chesterfield Fire & EMS, Fire

and Life Safety Division. Application for permit shall include: fee for permit, completed information form, site plan drawing of burn site, proof of liability insurance for party performing burn;

2. The burning shall take place on the premises of a local sanitary landfill which meets the provisions of the regulations of the Virginia Waste Management Board;
 3. Permitted fires shall be constantly attended by a competent person until they are extinguished and conducted to ensure the best possible combustion with a minimum of smoke being produced. The attendee shall have fire extinguishing equipment readily available for use as deemed necessary by the code official;
 4. The material to be burned shall consist only of brush, tree trimmings, yard and garden trimmings, clean burning debris waste, or clean burning demolition waste;
 5. All reasonable effort shall be made to minimize the amount of material that is burned; with the number and size of the debris piles approved by Chesterfield County Fire & EMS, Fire and Life Safety Division;
 6. The location of the burning shall be a minimum of five hundred (500) feet from any occupied building unless the occupants have given prior written permission, other than buildings located on the property on which the burning is conducted. If the Chesterfield County Fire & EMS, Fire and Life Safety Division determines that it is necessary to protect public health and welfare, it may direct that the above cited distances be increased;
 7. No materials may be burned in violation of the regulations of the Virginia Waste Management Board or the State Air Pollution Control Board. The exact site of the burning on a local landfill shall be established in coordination with the regional director and Chesterfield County Fire & EMS, Fire and Life Safety Division; no other site shall be used without the approval of these officials. Chesterfield County Fire & EMS, Fire and Life Safety Division shall be notified of the days during which the burning will occur.
 8. The permit holder must maintain liability insurance in the minimum amount of \$1,000,000 general liability coverage at all times while burning is taking place. At the time of permit application, a certificate of insurance coverage shall be submitted to the fire marshal.
- D. Sections A through C above notwithstanding, no owner or other person shall cause or permit open burning or the use of a special incineration device during the months of June, July, or August.

307.3.3 Permits. Add subsection 307.3.3 as follows:

- A. When open burning of debris waste or open burning of debris on the site of a local landfill is to occur within Chesterfield County, the person responsible for the burning shall obtain a permit from Chesterfield County Fire & EMS, Fire and Life Safety Division prior to the burning. Such a permit may be granted only after confirmation by Chesterfield County Fire & EMS, Fire and Life Safety Division that the burning can and will comply with the provisions of this ordinance and any other conditions which are deemed necessary to ensure that the burning will not endanger the public health and welfare or to ensure compliance with any applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. The permit may be issued for each occasion of burning or for a specific period of time deemed appropriate by Chesterfield County Fire & EMS, Fire and Life Safety Division.
- B. Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning shall obtain a permit from Chesterfield County Fire & EMS, Fire and Life Safety Division, such permits to be granted only after confirmation by Chesterfield County Fire & EMS, Fire and Life Safety Division that the burning can and will comply with applicable provisions in Regulations for the Control and Abatement of Air Pollution and that any conditions are met which are deemed necessary by Chesterfield County Fire & EMS, Fire and Life Safety Division to ensure that the operation of the devices will not endanger the public health and welfare. Permits granted for the use of special incineration devices shall at a minimum contain the following conditions:
 - 1. All reasonable effort shall be made to minimize the amount of material that is burned. Such efforts shall include, but are not limited to, the removal of pulpwood, sawlogs and firewood.
 - 2. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material.
 - 3. The location of the burning shall be a minimum of 500 feet from any occupied building unless the occupants have given prior permission, other than buildings located on the property on which the burning is conducted; burning shall be conducted at the greatest distance practicable from highways and air fields. If the Chesterfield County Fire & EMS, Fire and Life Safety Division determines that it is necessary to protect public health and welfare, he may direct that the above cited distances be increased.
 - 4. The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Under no

circumstances should the burning be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials.

5. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.
6. The use of special incineration devices shall be allowed only for the disposal of debris waste, clean burning construction waste, and clean burning demolition waste.
7. Permits issued under this subsection shall be limited to a specific period of time deemed appropriate by Chesterfield County Fire & EMS, Fire and Life Safety Division.

307.3.4 Attendance at Open Fires. Add subsection 307.3.4 as follows:

Permitted fires shall be constantly attended by a competent person until they are extinguished. The attendee shall have fire extinguishing equipment readily available for use as deemed necessary by the code official.

307.3.5 Endangering Other Property. Add subsection 307.3.5 as follows:

No person shall kindle or authorize to be kindled or maintain any permitted fire in such a manner that it will endanger the property of another.

307.3.6 Revocation of Permits. Add subsection 307.3.6

If any permit holder violates any provision of this ordinance or if any permit holder makes a material misrepresentation on a permit application, The Fire Marshal may require the extinguishments of the fire and the burn permit shall be subject to revocation;

307.4 Fees. Delete and substitute section 307.4 as follows:

- [illegible]

307.5. Add the following sentences to the end of section 307.5.

The owner or manager of any occupancy in Use Group R shall notify their tenants in writing of this code requirement at the time the tenants initially occupy the apartment and annually thereafter. A copy of this written notification shall be available for review by the code official.

307.5. Delete exception 2.

307.6 Storage, Park or Repair. Add subsection 307.6 as follows:

No person shall store, park or repair any vehicle, tool or equipment that has a fuel tank that contains a flammable or combustible liquid or liquefied petroleum gas as a source of fuel within or on any occupancy in Use Group R, or part thereof, unless such building or structure is built for the purpose of such storage, parking or repairing in accordance with all requirements of the Uniform Statewide Building Code and this code. The owner or manager of any occupancy in Use Group R shall notify their tenants in writing of this code requirement at the time the tenants initially occupy the apartment and annually thereafter. A copy of this written notification shall be available for review by the code official. This section shall not apply to detached one- and two-family dwellings unless such storage, parking or repairing is conducted as a business. Such businesses must then comply with all applicable provisions of the Uniform Statewide Building Code and the Chesterfield County Code.

307.7 Sweating Joints. Add section 307.7 as follows:

Any person using a torch or other flame-producing device for sweating pipe joints in any building or structure shall have available in the immediate vicinity, one approved fire extinguisher or water hose connected to a water supply. Combustible material in the close proximity of the work shall be protected against ignition by shielding, wetting, or other approved means. In all cases, the person performing the work shall remain in the vicinity of the sweating operation for one-half hour after the torch or flame-producing device has been used.

315.4 Materials Storage Regulation. Add subsection 315.4 as follows:

No person shall store any combustible packing cases, boxes, barrels or similar containers or rubber tires, baled cotton, rubber, cork or other similarly combustible materials of a gross volume of greater than 2,500 cubic feet (70 m³) in any structure or on any premises, except under conditions approved by the code official.

315.6 Storage or Display in Roofed-Over Malls. Add subsection 315.6 as follows:

Combustible goods, merchandise, decorations or vehicles may be displayed or placed in the common areas of a roofed-over mall only if such display or placement is in compliance with regulations established by the code official. It shall be the responsibility of the owner, manager or his designated representative to notify the code official prior to such usage of the roofed-over mall.

Chapter 5. Fire Service Features

502.0. General Definitions. Delete and substitute the following definition:

Fire Lane. An area designated by clearly visible signs and/or markings in which parking shall be prohibited, whether on public or private property, to ensure ready access for and to fire fighting equipment and facilities.

503.1 Where Required. Delete and substitute 503.1 as follows:

The code official may designate fire lanes on public streets and on private property devoted to public use for the purpose of permitting proper access to fire hydrants or for fire fighting equipment. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1 through 503.1.3

503.7 Illegal Use. Add subsection 503.7 as follows:

1. No person shall park or leave an unattended vehicle in or otherwise obstruct with a vehicle any designated or marked fire lane.
2. No person shall place or locate any equipment, materials, or any other object in or otherwise obstruct any designated or marked fire lane.
3. The penalty for violation of section 503.7(1) shall be the same as outlined for other parking violations in the Chesterfield County Code. The penalty for violation of section 503.7(2) shall be the same as for all other violations of this chapter.

Chapter 9 Fire Protection Systems

901.5.2 Altering or Changing Supervisory Services. Add subsection 901.5.2 as follows:

The code official shall be notified prior to any alterations to the supervisory service equipment or if the agent providing supervisory service changes for any required fire protection system. Functional testing shall be conducted prior to the system being returned to service. The level of testing will be determined by the code official. All testing shall be conducted in the presence of the code official and appropriate documentation shall be provided to the code official to verify that the system is being supervised as designed and in accordance with the building code in effect at the time of installation.

901.6.1.2 Limited Area Sprinkler Systems. Add subsection 901.6.1.2 as follows:

All limited area sprinkler systems shall be inspected annually and maintained according to NFPA 25 and in accordance with the following standards:

1. The sprinkler control valve shall be permanently marked with a sign stating "Sprinkler Control Valve." Markings made with embossed plastic tape, pencil, ink, crayon, or similar materials shall not be considered permanent. The sign shall be secured with noncorrosive wire, chain, or other means.
2. Markings shall be provided in a conspicuous place at the sprinkler control valve and shall state: "Notify the Fire Department (748-6240) before closing valve."

3. Valves connecting the limited area sprinkler system to the domestic water supply shall be locked open in an approved manner.

901.6.3 Reporting Results of Periodic Tests. Add subsection 901.6.3 as follows:

The individual or company performing any test or inspection required under this article shall provide the code official with a complete written record of the test or inspection within 15 days after it is conducted. Such written record shall note plainly which standard, as referenced by this code, was used for the test or inspection.

904.11.6.1 Ventilation System. Delete and substitute subsection 904.11.6.1 as follows:

The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used. Cooking appliances, which require a commercial kitchen exhaust hood system, shall not be operated while the fire suppression system or kitchen exhaust system is non-operational or otherwise impaired.

904.11.6.6 Manual Operations. Add subsection 904.11.6.6 as follows:

Instructions for manually operating the fire suppression system for the commercial kitchen exhaust system shall be posted conspicuously in the kitchen and shall be reviewed periodically with employees by the management.

907.20.1.2 Alarm Activations. Add subsection F-501.7 as follows:

The owner and/or the occupant of any structure served by a fire protection system which has activated on two or more occasions when no fire, unsafe condition or other hazard has occurred, shall repair the system or correct conditions which are causing the system to activate.

Chapter 10. Means of Egress

1003.1.1 Overcrowding. A person shall not permit overcrowding or admittance of any person beyond the approved occupant load. The fire official, upon finding overcrowded conditions or obstruction in aisles, passageways or other means of egress, or upon finding any condition which constitutes a hazard to life and safety, shall cause the occupancy, performance, presentation, spectacle or entertainment to be stopped until such condition or obstruction is corrected and the addition of any further occupants shall be prohibited until the approved occupant load is reestablished.

1011.5. Marking Means of Egress. Add subsection 1011.5 as follows:

The code official may require the means of egress through storage areas to be marked, and the owner or his agent shall be responsible for marking and maintaining such aisles as required.

Chapter 27. Hazardous Materials - General Provisions

2702.1 Definitions. Delete and substitute the following definition:

Hazardous Materials. Those chemicals or substances which are physical hazards or health hazards as defined and classified in Chapter 28, whether the materials are in usable or waste condition, including flammable and combustible liquids.

Chapter 33. Explosives and Fireworks

3302.1 Delete the following definition from 3302.1:

Permissible Fireworks

3302.1 Add the following exception to definition of Fireworks.

Exception.

The term fireworks shall not include automobile flares, paper caps containing not more than an average of .25 grains (16 mg) of explosive content per cap, or any toy pistols, toy canes, toy guns, and other devices using such caps.

3308.1 General. Add the following text to 3308.1:

A permit shall be required for the public display of fireworks.

3308.2 Permit Application. Add the following text to 3308.2:

Application for permits shall be made in writing at least 60 days in advance of the date of the display or discharge of fireworks. The sale, possession, discharge and distribution of fireworks for display shall be lawful only under the terms and conditions, and for the purpose set forth in the permit. A permit shall not be transferable, and shall not extend beyond the dates set forth in the permit.

3308.11.1 Violations. Add subsection 3308.11.1 as follows:

No person shall store, possess, offer for sale, expose for sale, sell at retail or use or explode any fireworks, except as provided in the rules and regulations issued by the code official for the granting of permits for supervised public displays of fireworks.

Chapter 34. Flammable and Combustible Liquids

3404.1.1 Prohibited Storage. Add subsection 3404.1.1 as follows:

The storage of flammable and combustible liquid shall be prohibited in occupancies of Use Group A, R-1, R-2, and in rental storage facilities.

3406.5.1.6 Fire Protection. Delete and substitute 3406.5.1.6 as follows:

Whenever tank vehicles are automatically loaded with flammable liquids at bulk storage terminals without an employee in attendance, the loading rack area shall be protected by a completely automatic fire suppression system approved by the code official. The system shall be designed to provide fire protection to both the loading rack and tank vehicles and shall be supervised by an accredited central station facility.

Chapter 38. Liquified Petroleum Gases

3801.5. Emergency Services. Add subsection 3801.5 as follows:

Anyone who supplies liquefied petroleum gas service shall have a qualified maintenance person available at all times to assist fire department personnel with emergency incidents involving the service.

3801.6. Portable Containers. Add Subsection 3801.6 as follows:

Installation and operation of liquified petroleum containers offered for sale or exchange shall comply with regulations established by the code official.

APPENDICES

The following appendices of the International Fire Code, 2000 edition shall be an enforceable part of this code:

Appendix B - Fire-flow Requirements for Buildings

Appendix C - Fire Hydrant Locations and Distribution

Appendix D - Fire Apparatus Access Roads

Exception: Section D106 and Section D107 shall not be included in this code.

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Sec. 10-7. Authority of fire marshal and assistant fire marshals.

The county fire marshal and his assistants, who shall be appointed by the county administrator pursuant to Code of Virginia, §27-36, shall have the authority to arrest, to procure and serve warrants and to issue summonses in the manner authorized by general law for violations of this chapter and of all fire safety, fire prevention and related ordinances, as permitted by Code of Virginia, § 27-34.2.

The county fire marshal and those assistants appointed pursuant to the Code of Virginia, §27-36 who have met the training requirements outlined in the Code of Virginia, §27-34.2:1 shall have the same police powers as a police officer or law-enforcement officer. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs shall be the responsibility of the fire

marshal and the county police department, as permitted by Code of Virginia, §27-34.2:1.

o o o

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

16.D. TO CONSIDER AN ORDINANCE AMENDMENT RELATING TO EROSION AND SEDIMENT CONTROL

Ms. Joan Salvati, Water Quality Administrator, stated this date and time has been advertised for a public hearing to consider an ordinance amendment relating to erosion and sediment control. She further stated, because of the hurricane, staff was unable to meet with the affected parties and is therefore recommending deferral of the public hearing until November 12, 2003.

Mr. Warren called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Barber, seconded by Mr. McHale, the Board deferred the public hearing to consider an ordinance amendment relating to erosion and sediment control until November 12, 2003.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

17. ADJOURNMENT

On motion of Mr. McHale, seconded by Mr. Miller, the Board adjourned at 8:08 p.m. until October 22, 2003 at 4:00 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Lane B. Ramsey
County Administrator

Arthur S. Warren
Chairman